

FAX #11/Election
D. Evans
2-11-03
RECEIVED
JAN 21 2003
TECHNOLOGY CENTER 2800

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

In re the application of

Gregory W. Purdom

Examiner: Carmelo B. Oliva

Art Unit: 7723

Serial No.: 09/899,646

Date Filed: July 26, 2001

FOR: BOILER FOR A HARDENED
VOYAGE DATA RECORDER

The Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

This paper is filed in response to the
Election/Restriction requirement mailed by the PTO on
January 15, 2003 in the above identified Patent Application.

The Examiner has stated that claims 1-141 are
subject to restriction and/or election.

More particularly, the Examiner has required
restriction to one of the following Examiner defined
inventions, citing 35 U.S.C. 121, namely:

- I. Claims 1-88, drawn to a removable memory module, classified in class 361, subclass 728;
- II. Claims 89-111, drawn to a hardened voyage recorder, classified in class 174, subclass 52.1;
- III. Claims 112-119, drawn to a process for fabricating a removable memory module, classified in class 29, subclass 592.1;
- IV. Claims 120-136, drawn to a boiler, classified in class 361, subclass 689; and
- V. Claims 137-141, drawn to a process for fabricating a boiler, classified in class 29, 592.1.

Applicant and the Examiner discussed the instant election/restriction requirement in a telephone interview held on January 30, 2003.

At that time, applicant's attorney indicated that an election would be made with traverse; and that the Group IV claims (claims 120-136, drawn to a boiler), would be elected for the purposes of responding to the Examiner's action and allowing examination to proceed.

The election is made with traverse to preserve the opportunity at a later date to argue for consolidation of the claims restricted out by virtue of the election made following the restriction requirement.

By way of example, applicant respectfully submits that, contrary to the Examiner's assertion in paragraph 12 of the instant action, the claims in Groups III (claims 112-119), and Group V (claims 137-141), have not acquired a separate status in the art as shown by different classification; in fact, they have been classified by the Examiner to be in the very same class and subclass, namely class 29, 592.1).

Further reasons for traverse include arguments that are reserved should consolidation be sought in the future to assertions made concerning separate utility for subcombinations, assertions concerning how components could be made by processes other than those set forth in the restricted claims, etc.

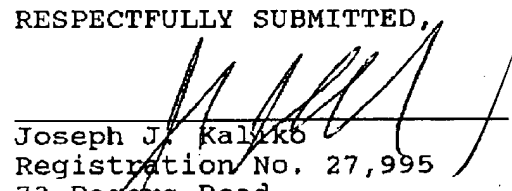
Again, at this time applicant elects, with traverse, Group IV., claims 120-136, and thanks the Examiner for his courtesies on the telephone during the interview to discuss the pending application.

As required, this written response is being filed within the one month period allowed from date of mailing of the election/restriction requirement. Accordingly, no fees are due with the filing of this paper.

Further, this paper is being filed via Express Mail and via fax as discussed with the Examiner, to Fax Number 703-746-4129.

Applicant respectfully requests consideration of the Group IV claims (claims 120-136) and solicits the allowance of these claims at an early date.

RESPECTFULLY SUBMITTED,



Joseph J. Kalicki
Registration No. 27,995
73 Rogers Road
Stamford, Connecticut 06902
(203) 359-4370

L3-008
January 31, 2003



EV 035485843 US



POST OFFICE TO ADDRESSEE

ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>		Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Date In		Postage		Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$		Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee		Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Weight lbs. ozs.	Int'l Alpha Country Code	COO Fee	Insurance Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No. X069069				Federal Agency Acct. No. or Postal Service Acct. No.			
FROM: (PLEASE PRINT) PHONE 203 359 4370 LAW OFFICES OF JOSEPH J. KALIKO 73 ROGERS RD STAMFORD CT 06902-8225				TO: (PLEASE PRINT) PHONE _____ Commissioner of Patents and Trademarks Washington, D.C. 20234			
L3-008 Response To Restriction/Election Req.				25/ 10			
PRESS HARD. You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com							

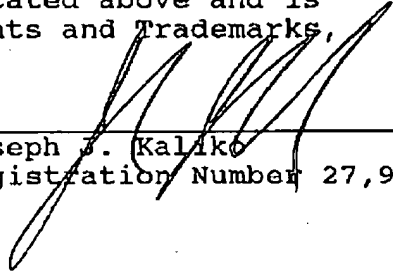
Mailing Label
Label 11-F August 2000F02
T

PTO acknowledges receipt of a Response to a Restriction/Election Requirement that was sent to the PTO via Express Mail on 1/31/03.

L3-008
Marine Boiler
SN 09/899,646

CERTIFICATE OF MAILING BY EXPRESS MAIL

"Express Mail" mailing label number EV035485843US date of deposit January 31, 2003. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner Of Patents and Trademarks, Washington, D.C. 20231.



Joseph J. Kaliko
Registration Number 27,995

L3-008:
Response to
Election/Restriction
Requirement
January 31, 2003

From: To: Examiner Carmelo Oliva AU7723

Date: 1/31/03 Time: 12:06:38

Page 1 of 7

FACSIMILE COVER PAGE

☐y☐ Examiner Carmelo Oliva AU7723

Time: 12:06:26

From :

Date: 01/31/23

Subj ct: Election/Restriction SN 09/899646

Pages (including cover): 7

From: Kaliko Law Offices-Joseph J. Kaliko

To: Examiner Oliva

1/31/03

Dear Examiner Oliva...I am faxing herewith the Response we discussed to the Election/Restriction requirement issued in the above identified patent application of Gregory W. Purdom.

Please examiner your Group IV claims...i.e., claims 120-136.

The election is made with traverse...Thank you...Joseph J. Kaliko